

## **DETAILED ACTION**

### ***Status of Claims***

Claims 1-18 are currently pending in the application.

Receipt is acknowledged of Applicant's response / amendment filed on October 14, 2010 and that has been entered.

Claims 1-11 and 18 are withdrawn from further consideration pursuant to 37 C.F.R. 1.142 (b) as being drawn to a non-elected subject matter. However, during a telephonic interview with Ms. Sejal Gosalia (Attorney for Applicant) on October 19, 2010, Applicant has agreed to cancel non-elected claims 1-11 and 18 and therefore, the restriction requirement is hereby withdrawn.

Applicant's response and amendments have been fully considered and found persuasive with respect to the rejection of claims 12-17 under 35 U.S.C. §112 first paragraph, and the rejection is hereby withdrawn.

Applicant's response and arguments have been fully considered and found persuasive with respect to the rejection of claims 12-17 under the judicially created doctrine of obviousness-type double patenting over claims 12-17 of co-pending Application No. 11/840,952, over claims 12-17 of co-pending Application No. 11/840,953, over claims 12-17 of co-pending Application No. 11/840,954, and also over claims 12-17 of co-pending Application No. 11/840,955 and the rejection is hereby withdrawn. Further, MPEP 804 (I)(B)(1) provides that if a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier-filed of the two pending applications, while the later-filed application is reject-able on other grounds, the examiner should withdraw that rejection and permit the earlier-filed

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application to issue as a patent without a terminal disclaimer and hence, all remaining pending claims 12-17 are now found allowable over the prior art of record.

***Examiner's amendment***

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephonic interview with Ms. Sejal Gosalia on October 19, 2010.

The application has been amended as follows:

- a. Claims 1-11 and 18 have been canceled.

***Telephone Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Golam Shameem, whose telephone number is (571) 272-0706. The examiner can normally be reached on Monday-Thursday from 7:30 AM - 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane, can be reached at (571) 272-0699. The Unofficial fax phone number for this Group is (703) 308-7922. The Official fax phone numbers for this Group are (571) 273-8300. When filing a FAX in Technology Center 1600, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communications with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [joseph.mcKane@uspto.gov]. All Internet e-mail communications will be made of record in the application file. PTO employees will not communicate with applicant via Internet e-mail where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is of record an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the applicant. See the Interim Internet Usage Policy published by the Patent and Trademark Office Official Gazette on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or public PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, whose telephone number is (571) 272-1600.

/Golam M. M. Shameem/  
Primary Examiner  
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Technology Center 1600

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